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EXAMINER

SINGH, RAMNANDAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,625

Applicant(s)

KESTERSON ET AL.

Examiner

Ramnandan Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-15,17-19,21,22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-15,17-19,21,22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the finding of new art, the Final Office action is withdrawn, prosecution is re-opened, as new ground(s) of rejection are made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-9, 11-15, 17-19, 21-22 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The specification discloses multiple paths and multiple signals. Examiner has difficulty to map the claimed components/paths/signals to the specification. For example, Examiner fails to find support from the specification for the claimed first and second communication paths, first communication signal, and second communication signal in claim 1? Note, claim 1 recites first communication signal being received and transmitted by the claimed coupling device. It is unclear where the specification explains the first communication signal can be both "receive" and "transmit" at the same time. Examiner can not map out the above claimed limitations onto Figure 2B. Also, what are the claimed first and second communication signals recited in claim 11? What are the claimed third and fourth communication paths recited in claim 13?

Claim Objections

4. Claim 13 is objected to because of the following informalities:

Claim 13 recites the limitation "**coupling** the communication **coupling** with a communication system" in lines 2-3. The term "coupling the communication" is redundant.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-8, 11-14, 17-19, 24-25 as best understood in light of the 112 (2nd Paragraph) rejection above are rejected under 35 U.S.C. 102(e) as being anticipated by Mardinian [US 6,868,117 B1].

Regarding claim 11, Mardinian teaches a communication coupling device shown in Fig. 1, comprising:

a first communication port (101) having first and second paths of communication

with a network component, and operable to receive a first communication signal from the network component using the first path of communication (a, d);

a second communication port (102) operable to transmit the first communication signal to a communication system;

a third port (103) operable to receive a second communication signal from the communication system;

the first communication port (101) further operable to transmit the second communication signal to the network component using the second path of communication (b, c) [Figs. 1-4; col. 3, line 36 to col. 4, line 57];

wherein the first communication signal includes a first frequency band and a second frequency band [col. 3, lines 58-61]; and
further comprising a filter (104) operable to separate the first frequency band from the second frequency band [col. 4, lines 11-14; col. 4, lines 41-57].

Claims 1, 17 and 24 are essentially similar to claim 11 and are rejected for the reasons stated above.

Regarding claims 3, 6 and 18, the limitations are shown above.

Regarding claim 12, Mardinian further teaches the communication coupling device, wherein the first communication port (101) includes a first pair of conductor (a, d) and a second pair of conductors (b, c), and further comprising a switch (105) having

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a first position (OFF-position when filter (104) is not used (in a spluttered environment)) in which the first path of the communication includes the first pair of conductors (a, d) and a second position (ON-position when filter (104) is active (in a splitterless environment)) in which the first path of the communication includes the second pair of conductors (b, c) via filter (104) [Fig. 1; col. 3, line 50 to col. 4, line 24; col. 4, lines 41-57].

Regarding claim 13, Mardinian further teaches the communication coupling device comprising: at least third and fourth communication paths coupling with a communication system, the third communication path (analog line) communicating the first frequency band (analog signal) with the communication system [col. 3, line 62 to col. 4, line 3] and the fourth communication path (Digital/analog line) communication the first and second frequency bands with the communication system [col. 3, lines 50-61].

Claims 5, 19 and 25 are essentially similar to claim 13 and are rejected for the reasons stated above.

Regarding claim 14, Mardinian further teaches the communication coupling device, wherein the first communication signal includes a digital subscriber line (DSL) signal and a first analog telephone signal, and the second communication signal includes a second analog telephone signal [Fig. 1; col. 4, lines 41-57].

Claims 4 and 8 are essentially similar to claim 14 and are rejected for the reasons stated above.

Regarding claim 7, Mardinian further teaches the communication coupling device, wherein the first communication port (101) comprises an RJ-11 coupling and the first path of communication comprises an inner pair of conductors (b, c) [Fig. 1].

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardinian as applied to claims 1 and 11 above.

Regarding claim 15, since Mardinian teaches a communication coupling device that includes three jacks for coupling communication signals with communication systems [Fig. 1; col. 3, lines 36-49], it would have been obvious to a person of ordinary skill in the art to add a fourth communication port (i.e. fourth jack) in order to communicate with an alternate communication provider and make a choice between providers for a customer.

Regarding claim 9, Mardinian teaches a communication coupling device (100)

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that includes three RJ-11 jacks for coupling communication signals with communication systems [Fig. 1; col. 3, lines 36-49], wherein the jack RJ-45 is a variant of the jack RJ-11.

9. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardinian [US 6,868,117 B1] in view of Price et al [US 6,222,910 B1].

Regarding claim 21, Mardinian teaches a method for distributing first and second communication signals shown in Fig. 1, comprising:

receiving a first communication signal at a communication coupling (100) using a first path of communication (b, c) between the communication coupling and a network component [Fig. 1] ;

transmitting the first communication signal from the communication coupling to a communication system (DSL) [Fig. 1];

receiving the second communication signal at the communication coupling from the communication system [Fig. 1]; and

transmitting the second communication signal to the network component using a second path of communication (a, d) between the communication coupling and the network component [Figs. 1-4; col. 3, line 36 to col. 4, line 57]; and

wherein the logic (switch (105) and filter (104)) is further operable to separate the first frequency band from the second frequency band [col. 4, lines 11-14].

Mardinian does not teach expressly a computer-readable medium having executable instructions to execute the method. However, this method of using a computer-readable medium to execute a method is well-known in the art.

Price et al teach illustrating a method for a telephone interface using a computer-readable medium comprising RAM, ROM, EEPROM, CD-ROM or other storage devices to store the desired executable instructions which can be accessed by a computer to execute the instructions [col. 7, lines 10-49; col. 12, line 57 to col. 13, line 5; col. 19, line 28 to col. 20, line 32].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the computer-readable medium of Price et al with Mardinian in order to automate the method of using the communication coupling and speed up the home networking system.

Regarding claim 22, the combination of Mardinian and Price et al further teaches the computer readable medium, wherein the logic is further operable to communicate the first frequency band with the communication system using a third communication path, and communicate the first and second frequency bands with the communication system using a fourth communication path [Mardinian; col. 3, lines 50-61].

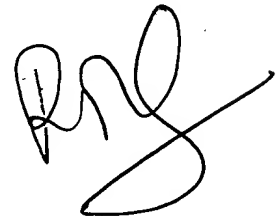
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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